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UTILITY  
PATENT APPLICATION TRANSMITTAL  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	TWI-33010
First Inventor	Kenneth C. Johnson
Title	CD METROLOGY METHOD
Express Mail Label No.	EV 338308491US

## EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Service" Label No. EV338308491US postage paid in an envelope addressed to M/S Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2004.

Dated: January 26, 2004By:   
Janet Chan031356 10/7/04 792  
U.S. PTO

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<b>Application Elements</b> <i>See MPEP chapter 600 concerning utility patent application contents.</i>		<b>ADDRESS TO:</b> M/S PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27</i> 3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages 16]</span> <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings <i>(if filed)</i> - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets 3]</span>		5. <input checked="" type="checkbox"/> Oath or Declaration <span style="float: right;">[Total Pages 2]</span> a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed Statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b) 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 7. <input type="checkbox"/> CD ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i> 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CFR) b. <input type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- |  |  |
|--|--|
| 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))<br>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i><br>11. <input type="checkbox"/> English Translation Documents <i>(if applicable)</i><br>12. <input checked="" type="checkbox"/> Information Disclosure <span style="float: right;">[Copies of IDS Statement (IDS)/PTO-1449]</span><br><span style="float: right;">Citations</span><br>13. <input type="checkbox"/> Preliminary Amendment | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i><br>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(If foreign priority is claimed)</i><br>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).<br>Applicant must attach form PTO/SB/35 or its equivalent.<br>17. <input type="checkbox"/> Other. _____ |
|--|--|

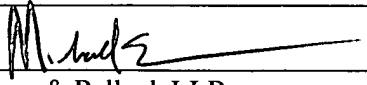
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior Application No.:

*Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_*

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number 28584	or <input type="checkbox"/> Correspondence address below
Name (Print/Type) Michael A. Stallman	
Registration No. (Attorney/Agent) 29,444	
Signature: 	Date: <u>January 26, 2004</u>
Firm Name: Stallman & Pollock LLP	

012604  
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U.S. PTO**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
TWI-33010

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS****Mail Stop Patent Application****P.O. Box 1450****Alexandria, VA 22313-1450**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**CD METROLOGY METHOD**

and invented by:

**Kenneth C. Johnson**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

**C** ntinuation    **D** ivisional    **C** ontinuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

**C** ontinuation    **D** ivisional    **C** ontinuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

**C** ontinuation    **D** ivisional    **C** ontinuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 16 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
TWI-33010

Total Pages in this Submission

## Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets 3
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (original or copy)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
  - a.  Computer Readable Form (CFR)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(B) Statement (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Certificate of Mailing  
 First Class  Express Mail (Specify Label No.): EV338308491US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

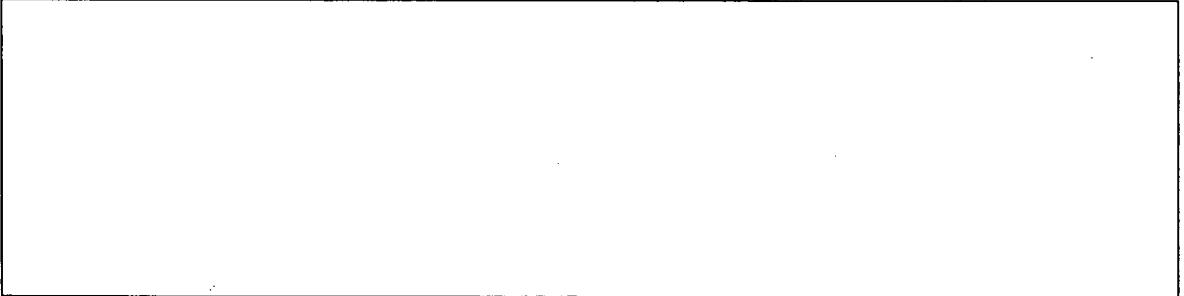
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
TWI-33010

Total Pages in this Submission

**Acc mpanying Application Parts (Continued)**

17.  Applicant claims small entity status. See 37 CFR 1.27.  
 (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18.  Additional Enclosures (please identify below):  


**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
TWI-33010

Total Pages in this Submission

## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$9.00	\$0.00
Ind p. Claims	3	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$385.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$385.00</b>

- A check in the amount of \$385.00 to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. 50-1703 as described below.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: January 16, 2004



Signature

Michael A. Stallman, Reg. No. 29,444  
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San Francisco, CA 94105

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Facsimile: (415) 512-1362

cc: